

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 5, 2024

Christopher M. Wolpert
Clerk of Court

LINH TRAN STEPHENS,

Plaintiff - Appellant,

v.

ERICA PARKS; DALE WARNER;
CHANDLER MOXLEY; ERICA PARKS
LAW FIRM, PLLC; DALE WARNER
P.L.L.C.; TAMERA A. CHILDERS,
PLLC; MOXLEY LAW FIRM, PLLC;
DOES 1 - 10,

Defendants - Appellees.

No. 24-5138
(D.C. No. 4:24-CV-00259-GKF-MTS)
(N.D. Okla.)

ORDER

Before **BACHARACH**, **MORITZ**, and **EID**, Circuit Judges.

Pro se plaintiff Linh Tran Stephens appeals the district court’s order and separate judgment dismissing the underlying civil case. The notice of appeal was filed after the deadline passed, however. Consequently, we conclude this court lacks jurisdiction to consider the appeal and dismiss it. *Amazon, Inc. v. Dirt Camp, Inc.*, 273 F.3d 1271, 1274 (10th Cir. 2001) (“[W]e have an independent duty to examine our own jurisdiction.”).

In a civil case like this one, a notice of appeal “must be filed with the district clerk within 30 days after entry of the judgment or order appealed from.” 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). “A timely notice of appeal is both mandatory and

jurisdictional.” *Allender v. Raytheon Aircraft Co.*, 439 F.3d 1236, 1239 (10th Cir. 2006) (quotation omitted). Although Ms. Stephens does not have an attorney, she must comply with procedural timeliness requirements the same as any other litigant. *Ogden v. San Juan County*, 32 F.3d 452, 455 (10th Cir. 1994).

In this case, the district court’s final judgment was entered July 9, 2024. To be timely, the notice of appeal had to be filed by August 8, 2024. Ms. Stephens did not file the notice of appeal until November 26, 2024, 110 days after the deadline to appeal the judgment passed. This court has no authority to ignore or make exceptions to the jurisdictional requirement to file a timely notice of appeal. *Bowles v. Russell*, 551 U.S. 205, 214 (2007). So, “[t]he time limit has run[,] and we are without jurisdiction under the facts of this case.” *Jenkins v. Burtzloff*, 69 F.3d 460, 464 (10th Cir. 1995).

APPEAL DISMISSED.

Entered for the Court

A handwritten signature in black ink, appearing to read 'Christopher M. Wolpert', written over a horizontal line.

CHRISTOPHER M. WOLPERT, Clerk

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157
Clerk@ca10.uscourts.gov

Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

December 05, 2024

Linh Tran Stephens
11063 South Memorial Drive, Suite D, Unit 235
Tulsa, OK 74113

RE: 24-5138, Stephens v. Parks, et al
Dist/Ag docket: 4:24-CV-00259-GKF-MTS

Dear Appellant:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal line extending to the right.

Christopher M. Wolpert
Clerk of Court

CMW/djd

Cara Becker

From: ca10_cmecf_notify@ca10.uscourts.gov
Sent: Thursday, December 5, 2024 4:10 PM
To: CM-ECF Intake OKND
Subject: 24-5138 Stephens v. Parks, et al "Case termination for orders" (4:24-CV-00259-GKF-MTS)

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

Tenth Circuit Court of Appeals

Notice of Docket Activity

The following transaction was entered on 12/05/2024 at 3:06:44 PM Mountain Standard Time and filed on 12/05/2024

Case Name: Stephens v. Parks, et al

Case Number: [24-5138](#)

Document(s): [Document\(s\)](#)

Docket Text:

[11141973] Dismissed. Jurisdictional Defect. Procedural termination after other judicial action. Written, unsigned, unpublished; Judges Bacharach, Moritz and Eid. [24-5138]

Notice will not be electronically mailed to the following as the Court does not have a valid email address on file or the person has not consented to service via email. If appropriate, notice will be delivered by other means to:

Linh Tran Stephens
11063 South Memorial Drive, Suite D, Unit 235
Tulsa, OK 74113

The following document(s) are associated with this transaction:

Document Description: Main Document

Original Filename: 24-5138 ORDER.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1104938855 [Date=12/05/2024] [FileNumber=11141973-0]

[2437df14f457cd9296488d473f532b3b4d3bc88222299c8374203846a6d8454e3ae287b7ba32dcda450b6ba72e520681f5498abf69caf53db06a79061accce7b]]

Document Description: Order Cover Letter

Original Filename: /opt/ACECF/live/forms/245138_11141973_128.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1104938855 [Date=12/05/2024] [FileNumber=11141973-1]

[3467fa4c46293cabb0f4a1fbb0b91b14d705edf55b7b5ad411a277292bec438dbd060418bb2da645e81c0b84c4ea070ee50c98609c1a658181e0b2ed3e18fb4c]]

Recipients:

- [Linh Tran Stephens](#)